

Updated March 2015

# **TOWN OF BURNS HARBOR, INDIANA**

## **TOWN CODE**

## **CHAPTER 8**

### **TOWN OF BURNS HARBOR, INDIANA MOTOR VEHICLES & TRAFFIC**

#### **ARTICLE I. ABANDONED VEHICLES** (*Ordinance 195, 4/12/2006*)

##### **Sec. 8-1. SHORT TITLE**

This article shall hereafter be known and cited as the “Abandoned Vehicle Ordinance”.

##### **Sec. 8-2. INDIANA CODE ADOPTED BY REFERENCE**

Indiana Code 9-22-1-1 through 9-22-1-32 is hereby adopted by reference as the Burns Harbor Abandoned Vehicle law. All proceedings within the Town of Burns Harbor for the inspection, declaration, removal and disposal of abandoned vehicles shall be governed by said law and the provisions of this Ordinance. Two copies of I.C. 9-22-1-1 through 9-22-1-32 are on file for public review in the office of the Clerk-Treasurer of the Town of Burns Harbor.

##### **Sec. 8-3. PROHIBITION**

Abandoned vehicles as defined in I.C. 9-13-2-1 shall be prohibited in the Town of Burns Harbor. The Police Department is the authorized agency and the Town Marshal and his deputies are the authorized officers assigned the responsibility for removal and disposal of vehicles defined as abandoned under the provisions of this article and I.C. 9-22-1-1 through 9-22-1-32.

##### **Sec. 8-4. TOWING AND STORAGE CHARGE**

The owner or lien holder of an abandoned vehicle shall be liable for all actual charges incurred for the towing and storage of abandoned vehicles. Pursuant to I.C. 9-22-1-30(b) the Town hereby establishes an abandoned vehicle fund to carry out the purposes of this Article. The Clerk-Treasurer is directed to file these charges pursuant to law with the Bureau of Motor Vehicles.

## **ARTICLE II. WEIGHT LIMITATIONS**

### **Sec. 8-5. WEIGHT LIMIT.**

- A. It shall be unlawful for the owner, or any operator, of any motor vehicle, to drive, travel or park, on any public highway, byway, street or road, subject to the jurisdiction of Burns Harbor, Indiana, if the gross weight of said vehicle exceeds the weight of 16,000 pounds.
- B. Special exceptions may be granted upon application to the Street Commissioner and upon the posting of sufficient security to insure that any damage done to the public highway, byway, street or road will be immediately repaired. (As part of said special exception, the Street Commissioner may set a reasonable speed which vehicles violating this ordinance may not exceed.)
- C. The application for such special exception shall indicate the proposed route and proposed weight per axle.

## **ARTICLE III (A) SNOW EMERGENCY REGULATIONS**

*(Ordinance 257, 11/12/2014)*

### **Sec. 8-6-1 When Effective.**

Whenever two (2) or more inches of snow has fallen on the Town's streets and alleys the same is hereby declared to be a snow emergency and the parking regulations and prohibitions set forth in this division shall be in effect until the Town Council or the Street Commissioner shall have declared such snow emergency to have ceased.

### **Sec. 8-6-2 Parking Regulations.**

During any snow emergency, parking and the presence of automobiles on all streets in the Town shall be restricted as follows:

- A. On even numbered days of the month, no parking between the hours of 8:00 a.m. and 12:00 midnight shall be allowed on the north and east sides of the street.
- B. On odd numbered days of the month, no parking between the hours of 8:00 a.m. and 12:00 midnight shall be allowed on the south and west sides of the street.

The Street Commissioner is authorized to post signs in furtherance of the regulations contained in this Section.

### **Sec. 8-6-3 Parking in Alleys.**

During any snow emergency, no parking shall be allowed on any alley in the Town between the hours of 8:00 a.m. and midnight.

### **Sec. 8-6-4 Street Commissioner's Authority to Prohibit Parking.**

The Street Commissioner is hereby authorized to prohibit parking in the streets and alleys of the Town at any time, even though such time period may conflict with other provisions of this ordinance, for the purpose of snow removal, emergencies, repairs, and maintenance, upon the following conditions:

- A. Whenever the Street Commissioner determines that parking should be prohibited upon any street or alley in order to expedite the orderly and efficient removal of snow, or for the purpose of repairs or maintenance, or in any emergency, as so determined by the Street Commissioner, the Street Commissioner shall cause signs to be posted

Updated March 2015

within the right-of-way of such street or alley, at least every three hundred (300) feet, which shall state substantially the following:

“NO PARKING FROM \_\_\_\_ TO \_\_\_\_  
Street Commissioner, Town of Burns Harbor”

- B. Such signs shall prohibit parking for no more than eight (8) hours and shall be posted for at least four (4) hours before it shall be lawful to tow or remove vehicles parked on any street or alley so posted.

#### **Sec. 8-6-5 Towing of Vehicles Authorized.**

In the event of a snowfall which creates an emergency endangering the smooth flow of emergency vehicles and other traffic, the Town Marshal or his designee may issue citations requiring the removal of the offending vehicles from streets and alleys within 24 hours of the issuance of the citation. The Town Marshal or his designee shall make every reasonable effort to contact the owner or person exerting control over vehicles within that time period. If the cars or vehicles are not removed within the 24 hour period, the Town shall declare the cars or vehicles to be a hazard to snow removal operations and cause them to be removed and the owner or person exerting control over the vehicle will then be responsible for the removal costs, which shall include the reasonable costs associated with towing and storage of the vehicle.

#### **Sec. 8-6-6 Prima Facie Proof of Violations.**

The fact that a vehicle that is parked or remaining stationary in violation of the provisions of this ordinance is registered in the name of a person shall be considered prima facie proof that such person was in control of the automobile at the time such vehicle was parked or allowed to remain stationary.

#### **Sec. 8-6-7 Discharging Snow into Alleys and Streets Prohibited.**

Notwithstanding Section 8-6-1, no person shall move, discharge, throw, place or cause to be moved, discharged, thrown or placed any snow, ice or slush into the alleys or streets within the Town at any time, except for the Street Department while performing official duties.

#### **Sec. 8-6-8 Penalties.**

Any person accused of a violation of this Article III (A) concerning Snow Emergency Regulations may settle and compromise such infraction by paying to the Town the sum of ten dollars (\$10.00) within ten (10) days from the date of the citation. Such payment shall be

Updated March 2015

made at the Town Hall. In the event the fine is not paid within ten (10) days from the date of the citation, the amount of the citation for the violation shall increase to twenty-five (\$25.00) dollars, payable at the Town Hall. Failure to pay the twenty-five dollar (\$25.00) citation within thirty (30) days from the date of the citation shall result in the citation being filed before a court of competent jurisdiction and shall subject the offender to the general penalty provisions found in Section 1-9 of the Town Code.

**ARTICLE IV.       TRAFFIC CONTROL DEVICES**

**Sec. 8-7.       TRAFFIC CONTROL DEVICES.**

The Town Council of the Town of Burns Harbor is granted the authority to alter traffic control devices as said Council deems necessary, based upon the recommendation of the Marshal's Department of the Town of Burns Harbor to properly, safely, and effectively regulate traffic within the corporate limits of the Town of Burns Harbor. (*Ordinance 118, 1/11/89*)

## **ARTICLE V. FUNDS**

### **Sec. 8-8 ACCIDENT REPORT FUND**

An Accident Report Fund is created into which the proceeds from the issuance of accident reports will be deposited. The Burns Harbor Marshal Department is authorized to impose a \$5.00 fee for the issuance of each accident report to the individual entitled to such information as authorized by I.C. 9-3-1. The Marshal Department shall be required to issue a receipt for every accident report fee imposed. These fees shall be remitted to the Town's Fiscal Officer on at least a monthly basis at which time the Fiscal Officer shall issue an official receipt for the aforementioned remittance. The Fiscal Officer shall receipt proceeds in to an "Accident Report Fund"; which will be expended at the discretion of the Town Marshal for accident-related expenditures; without appropriation. All expenditures made from this fund shall be processed, claimed and allowed in the same manner as other claims of the municipality. (*Ordinance 121, 1989*)

Town citizens will not be assessed the \$5.00 fee for the issuance of accident reports. They are the only ones exempt. (*Resolution 89-48*)

### **Sec. 8-9. PHOTO FUND.**

A Photo Fund is created into which the proceeds from the issuance of photographs will be deposited. The Burns Harbor Marshal's Department is authorized to impose a fee for the issuance of each photograph to the individual or entity entitled to such information. For normal size photographs, the fee shall be \$5.00 per photograph and, for oversized photographs, the fee shall be \$10.00 per photograph. The Town Marshal's Department shall be required to issue a receipt for every photograph fee imposed. These fees shall be remitted to the Town's fiscal officer on at least a monthly basis at which time the fiscal officer shall issue an official receipt for the aforementioned remittance. The fiscal officer shall receipt the proceeds into the Photo Fund which will be expended at the discretion of the Town Marshal for "law enforcement purposes", without appropriation. All expenditures made from this Fund shall be processed, claimed, and allowed in the same manner as other claims of the municipality. (*Ordinance 126, 2/28/1990*)

### **Sec. 8-10. DUI GRANT FUND.**

A DUI Grant Fund is established for the express purpose of expending monies received by the Burns Harbor Police Department from the State of Indiana (Governor's Task Force to Reduce Drunk Driving). Expenditures made from the



Updated March 2015

aforementioned Fund shall be unappropriated. The expenditures from this Fund will be limited to overtime compensation at the prevailing rate for police officers while enforcing the drunk driving laws of the State and in accordance with the mandates of the Governor's Task Force to Reduce Drunk Driving. Monies received will be receipted into the "DUI Grant Fund" and a receipt will be issued by the Town's fiscal officer to the officer acting in the capacity of Grant Coordinator as appointed by the Burns Harbor Police Chief. (*Ordinance 127, 6/27/1990*)

**Sec. 8-11      SPEED REGULATIONS.**

A.      It shall be unlawful for any person to operate any motor vehicle at a speed greater than that established by the Town Council. Speed regulations will apply for the Town in general (25 MPH unless designated otherwise), with the exception of Haglund Road and Old Porter Road, which shall be 30 MPH.

B.      The Street Commissioner is herewith authorized and directed to post speed limits signs for control of traffic upon both sides of the public highway upon which, the Town Council has established speed limits in conformity with State Law.

That violations of this ordinance shall be processed through the Ordinance Violations Bureau in accordance with Exhibit "A" to Ordinance number 140. (*Ordinance 144, 7/13/1994*)

**Sec. 8-12      PROHIBITING THE OPERATION OF SNOWMOBILES AND OFF-ROAD VEHICLES ON THE TOWN RIGHT OF WAYS AND ADJACENT PRIVATE PROPERTY WITHIN THE TOWN LIMITS**

WHEREAS, the Burns Harbor Town Council has determined that the operation of snowmobiles and off-road vehicles on both the traveled and non-traveled portions of Town right-of-ways and adjacent private property is a public nuisance and detrimental to the public health, safety and welfare of the citizens of the Town; and WHEREAS, an ordinance prohibiting the operation of snowmobiles and off-road vehicles as described in this Ordinance is necessary in order to protect the health, safety and welfare of the citizens of the Town of Burns Harbor.  
NOW, THEREFORE, BE IT ORDAINED BY THE BURNS HARBOR TOWN COUNCIL, AS FOLLOWS:

**SECTION 1.** This Ordinance does hereby adopt the definitions of “snowmobile” and “off-road vehicle” as found in Ind. Code 14-8-2-261 and 14-8-2-185, respectively.

**SECTION 2.** The Town of Burns Harbor declares that the operation of snowmobiles and off-road vehicles on both the traveled and non-traveled portions of Town right-of-ways and on adjacent private property within ten (10) feet of a Town right-of-way to be a prohibited activity and a nuisance, except as provided and specifically permitted by this Ordinance.

**SECTION 3.** Except as provided in Sections 4 and 5 of this Ordinance, it shall be unlawful for any person, firm, corporation or other entity to operate a snowmobile or an off-road vehicle on any traveled or non-traveled portion of any right-of-way or on adjacent private property within ten (10) feet of a Town right-of-way in the Town limits of the Town of Burns Harbor.

**SECTION 4.** Nothing in this Ordinance shall be construed as prohibiting the use or operation of a snowmobile or an off-road vehicle by the police department, fire department, street department, EMS, or other agencies providing essential services for the health, safety and welfare of the citizens of the Town of Burns Harbor, when such services are being provided under emergency conditions.

**SECTION 5.** Further, nothing in this Ordinance shall be construed as prohibiting the use or operation of a snowmobile or an off-road vehicle on private property within the limits of the Town of Burns Harbor when such operation is done with the permission of the owner and/or occupant of said private property, provided said private property does not include adjacent private property within ten (10) feet of a Town right-of-way.

**SECTION 6.** This Ordinance repeals and supercedes any other resolution or ordinance of the Town of Burns Harbor which is inconsistent herewith.

**SECTION 7.** Violation of this Ordinance, upon conviction, shall be punishable by a fine of up to \$2,500.00 for the first violation and up to \$7,500.00 for a second or subsequent violation. Each incident in violation of this Ordinance constitutes a separate violation. In addition, the Town of Burns Harbor may seek injunctive relief against any person who violates the provisions of this Ordinance.

**SECTION 8.** If any portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other portion or provision of this Ordinance.

Updated March 2015

PASSED AND ADOPTED by the Burns Harbor Town Council on this 8<sup>th</sup> day of March, 2006.

***Ordinance 241-2012***

**Burns Harbor Motor Vehicle & Traffic Fee Schedule**

Case Reports	\$ 3.00 each
Photos	\$ 25.00 each or \$50.00 for a CD/DVD
Vehicle Identification Number check	\$ 5.00 per VIN
Vehicle Impound Release	\$ 25.00 each

## **Article VI. Golf Carts** *(Ordinance 259-2015)*

### **Section 8-12. Local Ordinance, Authority.**

The Town Council has the authority, pursuant to I.C. §9-21-1-3.3 to adopt by ordinance additional traffic regulations concerning the use of golf carts on streets within jurisdictional limits of the town.

### **Section 8-13. Definitions.** The following definitions shall apply throughout this Article:

"Financial responsibility" shall have the meaning as liability insurance coverage on a golf cart in the amount not less than required by Indiana law for motor vehicles operated on public highways in the State of Indiana.

"Golf cart" shall have the meaning set forth in I.C. §9-13-2-69.7, as a four-wheel motor vehicle originally and specifically designed and intended to transport one or more individuals and golf clubs for the purpose of playing the game of golf on a golf course.

### **Section 8-14. Use of Golf Carts on Town Streets and Highways.**

Subject to the regulations contained within this article, the operation of golf carts shall be permitted on streets within the jurisdictional limits of the town, with the exceptions of State Road 149, U.S. 20 and U.S. 12.

### **Section 8-15. Occupants.**

The number of occupants in a golf cart shall be limited to the number of persons for whom factory seating is installed and provided on the golf cart. The operator and all occupants shall be seated in the golf cart and no part of the body of the operator or occupants shall extend outside the perimeter of the golf cart while in the golf cart is being operated.

### **Section 8-16. Proof of Financial Responsibility.**

The operator of a golf cart must show financial responsibility when operating a golf cart. Written proof of financial responsibility must be available either on the golf cart or carried by the operator at all times.

### **Section 8-17. License.**

Golf carts may not be operated on the town's streets by a person who has not obtained an operator's license under I.C. §9-24.

### **Section 8-18. Golf Cart Traffic Regulations.**

- (a) Golf carts shall obey all traffic regulations applicable to motor vehicles.
- (b) Golf carts shall display a slow-moving vehicle emblem or red or amber flashing lamp in accordance with I.C. §9-21-9.
- (c) Golf carts shall not be permitted to operate on State Road 149, U.S. 20 and U.S. 12. Operation at any grade crossing of State Road 49, U.S. 20 and U.S. 12 is limited to preapproved crossing areas that are to be properly marked with golf cart crossing signage. Golf carts shall not be permitted to operate on any sidewalks, trails, or multi-use paths in the town.
- (d) The operation of golf carts on public streets shall be limited to daylight hours, unless the golf cart is equipped with headlamps, tail lamps and stop lamps. In addition, as provided under I.C. §9-21-9-4, if a golf cart is operated after dark, red or amber flashing lamps must be attached to the rear of the golf cart and be visible from at least 500 feet.
- (e) All golf carts are required to have a rear view mirror to operate on town roads.
- (f) No overnight parking of golf carts on public streets.

**Section 8-19. Exemptions.**

The use of golf carts by public safety personnel or by town employees during special events shall be exempt from the regulations contained in this article. All such personnel shall be clearly identified, shall be insured and shall maintain a valid operator's permit pursuant to I.C. §9-24.

**Section 8-20. Violations.**

Violation of this article shall be subject to a penalty in the sum of One Hundred Dollars (\$100). Fines not paid within 30 days shall be filed with a court of competent jurisdiction and the general penalty provisions of Section 1-9 of Town Code shall apply. All amounts collected pursuant to this section shall be deposited in the general fund.